

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

**THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE**

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO.456 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 13/12/2004 in W.P.No.23045 of 2004 on the file of the High Court.)

Between:

Isukapatla Sambasiva Rao, S/o. Peda Masenu,
Hindu, 52 years Occ: F.P.Shop Dealer No.40,
R/o. Kota Serilanka, E. Gangavaram Mandal,
(Pamarru Mandal),
E.G. District.

..... APPELLANT

AND

- 1 Kasi Chittibabu, S/o. Appanna, Hindu,
F.P. Shop Dealer, Shop No. 18, Kotipalli Village,
Pamarru Mandal, E.G. District. ... Respondent/Writ

Petitioner

- 2 The Joint Collector (Civil Supplies Wing), Kakinada, E.G. District.
- 3 The Revenue Divisional Officer, (Civil Supplies Wing), Rajamundry,
E.G. District.
- 4 The Mandal Revenue Officer, (Civil Supplies Wing), Pamarru Mandal,
E.G. District.

.....RESPONDENTS

Counsel for the Appellant : Sri Ch. Dhanamjaya

Counsel for the Respondent No.1 : Sri Y.V.Srinivasan

Counsel for the Respondent Nos.2 to 4 : G.P. for Civil Supplies

The Court at the admission stage made the following :

HCJ & BSSR, J

W.A.No.456 of 2005

ORAL JUDGMENT: (Per Hon'ble the Chief Justice)

We have heard learned counsel for the parties. Order passed by the learned single Judge is not sustainable in law inasmuch as learned single Judge has proceeded to stay the order of suspension, which is impermissible in law. Against the order of suspension, there is an appeal pending before the second respondent. Till the appeal is heard and decided, there is no question of staying the order of suspension. Similar orders passed by the same learned single Judge had been set aside in a number of appeals by us on the same principle of law that there cannot be any order of stay or suspension in such matters where enquiry is ordered against the fair price shop dealer for violation of

A.P. State Public Distribution System Control Order, 2001, and there is an order of suspension pending enquiry. Therefore, the impugned order is set aside and the writ petition is dismissed. However, the second respondent is directed to dispose of the appeal within a period of two months from the order of receipt of judgment from the Court.

Writ Appeal is accordingly allowed.

DEVINDER GUPTA, C.J.

B.SESHASAYANA REDDY, J

10-03-2005

bsc

To

- 1 The Joint Collector (Civil Supplies Wing), Kakinada, E.G. District.
- 2 The Revenue Divisional Officer, (Civil Supplies Wing), Rajamundry, E.G. District.
- 3 The Mandal Revenue Officer, (Civil Supplies Wing), Pamarru Mandal, E.G. District.
4. 2 CCs to Govt. Pleader for Civil Supplies, High Court buildings, Hyderabad (OUT)
5. 2 CD copies

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